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32127	7590	04/01/2005	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/694,593

Applicant(s)

SMITH, ROBERT CARLQUIST

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 40 is/are rejected.
- 7) ☒ Claim(s) 5,25,39 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive. Applicant argues that Curry does not expressly disclose "storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number." Examiner, respectfully, disagrees.
2. Curry teaches sending, from a calling party, a call request that includes the calling party telephone number (col. 5, lines 12-15). Since the call request originates from the calling party, it is implicit that the calling party phone stores its own telephone number in order to formulate the call request, which contains its own telephone number.
3. Given the above argument, Examiner maintains the rejection of claims 1-4, 6-24, and 26-37. Examiner has also rejected claims 1-37 under 35 USC § 112. These rejections follow.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The term "proximate" in claims 1, 14, 21, 22, 29, 36, and 37 is a relative term which renders the claim indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Webster's Collegiate

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Dictionary defines "proximate" as "very near: close." It is not clear from the specification the exact point at which the distance between the user interface and the computer becomes "close" enough to constitute being "proximate." In addition, it is not clear from the specification if this proximity is in relation to the physical or the logical distance between the interface and the computer. For example, would a user interface physically located in a separate room from the computer be "proximate" if the two were directly connected by a logical link? Likewise, would a user interface physically located next to the computer be "proximate" even if the user interface and computer are on separate networks, i.e. logically distant? Appropriate action is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6, 8, 13, 14, 16, 21-24, 28, 29, 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582).

9. Regarding claims 1, 14, 21, and 37, Mattaway discloses a method of, system for, and computer program for making a telephone call using an electronic document stored in a computer having a user interface, the method and program comprising the steps of and the system comprising means for: retrieving the electronic document, the electronic document including data representing at least one telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); selecting a first telephone number from the electronic document by

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way of the user interface (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); and signaling, from the computer via a packet-switched network coupled to a first line, a telecommunication system to connect a call between a first telephone associated with the first telephone number and a second telephone associated with a calling party telephone number in response to the selection of the first telephone number, the call being connected via the first line (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

Mattaway does not expressly disclose storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. However, Mattaway does disclose storing the calling party address in memory within the computer proximate the user interface to obtain a stored calling address; and using the calling party address to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 7, lines 32-37; col. 7, lines 46-49; col. 7, lines 54-57; and col. 8, lines 49-52). Mattaway also discloses using telephone numbers for addressing clients (col. 9, lines 36-39). Curry teaches, in a telecommunications system, storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number (col. 5, lines 12-15) where it is implicit that a phone needs to store its own telephone number in order to formulate a call request containing its own telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15) where it is

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implicit that this is done in order to allow a phone to set-up a call using a telephone network (col. 5, lines 12-15). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number; and to use the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to allow a phone to set-up a call using a telephone network.

10. Regarding claim 2, Mattaway in view of Curry discloses that the selecting a first telephone number further comprises: selecting the telephone number from the electronic document using a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

11. Regarding claim 3, Mattaway in view of Curry discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Mattaway: col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

12. Regarding claim 6, Mattaway in view of Curry discloses that the call is connected across a packet-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

13. Regarding claims 8 and 16, Mattaway in view of Curry discloses that the computer is coupled to the first line via a modem (Mattaway: ref. 270 and col. 7, lines 22-31).

14. Regarding claim 13, Mattaway in view of Curry discloses that the second telephone is a component of the computer (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

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15. Regarding claims 22, 29, and 36, Mattaway discloses a method of, system for, and computer program for making a telephone call using an electronic document stored in a computer having a user interface, the method and program comprising the steps of and the system comprising means for: retrieving the electronic document, the electronic document including data representing at least one telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); selecting a first telephone number from the electronic document by way of the user interface (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); signaling, from the computer via a packet-switched network coupled to a first line, a telecommunication system to connect a call between the first telephone number and a calling party telephone number in response to the selection of the first telephone number (col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67); and establishing, via the first line, a circuit-switched connection between a first telephone associated with the first telephone number and a second telephone associated with the calling party telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16) where, as broadly defined, the circuit-switched connection between the first telephone and the second telephone is established through the gateway wherein "via the first line" is a broad term which includes establishing the connection through signaling over the first line.

Mattaway does not expressly disclose storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. However, Mattaway does disclose storing the calling party address in

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memory within the computer proximate the user interface to obtain a stored calling address; and using the calling party address to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 7, lines 32-37; col. 7, lines 46-49; col. 7, lines 54-57; and col. 8, lines 49-52). Mattaway also discloses using telephone numbers for addressing clients (col. 9, lines 36-39). Curry teaches, in a telecommunications system, storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number (col. 5, lines 12-15) where it is implicit that a phone needs to store its own telephone number in order to formulate a call request containing its own telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15) where it is implicit that this is done in order to allow a phone to set-up a call using a telephone network (col. 5, lines 12-15). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number; and to use the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to allow a phone to set-up a call using a telephone network.

16. Regarding claim 23, Mattaway in view of Curry discloses that the selecting a first telephone number further comprises: selecting the telephone number from the electronic document using a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

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17. Regarding claim 24, Mattaway in view of Curry discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Mattaway: col. 3, line 47-col. 4, line 15 and col. 9, line 61-col. 10, line 67).

18. Regarding claim 28, Mattaway in view of Curry discloses that the second telephone is a component of the computer (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 11, line 16).

19. Regarding claim 31, Mattaway in view of Curry discloses that the computer is coupled to the first telephone line via a modem (Mattaway: ref. 270 and col. 7, lines 22-31).

20. Claims 7, 9, 10, 15, 17, 18, 30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) as applied to claims 1, 8, 14, 16, 29, and 31 above, and further in view of Mueller et al. (USPN 6,052,411).

21. Regarding claims 7 and 15, Mattaway in view of Curry does not expressly disclose that the second telephone is coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the second telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

22. Regarding claims 9 and 17, Mattaway in view of Curry does not expressly disclose that the modem is a digital subscriber line (DSL) modem. Mueller teaches, in a system for data communication over telephone lines, using a DSL modem in order to use existing telephone lines

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for high-speed data communication (col. 1, lines 10-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the modem be a digital subscriber line (DSL) modem in order to use existing telephone lines for high-speed data communication.

23. Regarding claims 10 and 18, Mattaway in view of Curry does not expressly disclose that the computer is further coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the computer to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

24. Regarding claim 30, Mattaway in view of Curry does not expressly disclose that the telephony device is coupled to the first telephone line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the telephony device to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

25. Regarding claim 32, Mattaway in view of Curry does not expressly disclose that the modem is a digital subscriber line (DSL) modem. Mueller teaches, in a system for data communication over telephone lines, using a DSL modem in order to use existing telephone lines for high-speed data communication (col. 1, lines 10-56). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to have the modem be a digital subscriber line (DSL) modem in order to use existing telephone lines for high-speed data communication.

26. Regarding claim 33, Mattaway in view of Curry does not expressly disclose that the computer is further coupled to the first telephone line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

27. Claims 4, 11, 19, 26, 34, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) as applied to claims 1, 14, 22, and 29 above, and further in view of Wiener et al. (USPN 6,324,264).

28. Regarding claims 4, 38, and 40, incorporating the rejection of claims 1, 14, 21, 22, 29, 36, and 36, Mattaway in view of Curry discloses all of the limitations of claims 4, 38, and 40, as outlined in the rejection of claims 1, 14, 21, 22, 29, 36, and 36, except returning a status message to the computer if the calling party does not answer the second telephone within a specified time period. However, Mattaway in view of Curry does disclose the use of busy tones as part of call signaling (Curry: col. 14, lines 9-17). Wiener teaches, in a system for establishing a communication call, using a status message to inform a party of the status of the call request (Table 1 in col. 7). Here, Mattaway in view of Curry suggests sending a busy signal in a status message to inform the user of the status of the called party. It is implicit that a status message

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would be sent within a specified time period. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to return a status message to the computer if the calling party does not answer the second telephone within a specified time period in order to inform the calling party of the status of the called party, including if the called party's line is busy.

29. Regarding claims 11 and 19, Mattaway in view of Curry does not expressly disclose that the call is further connected via a second line coupled to the first telephone; however, Mattaway in view of Curry does disclose that the call can be connected either over a packet-switched network or a circuit switched network where a gateway is used to make the connection over the circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16). Examiner notes that Mattaway assumes that every computer contains Internet phone capabilities. Wiener teaches, in a system for establishing a communication call, connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data (col. 5, line 3-col. 6, line 22 and col. 9, line 46-col. 11, line 8). It is implicit that this would require the call to be connected via a second line coupled to the first telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the call via a second line coupled to the first telephone in order to allow for the situation in which the calling party does not have Internet phone capabilities.

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30. Regarding claims 26 and 34, Mattaway in view of Curry does not expressly disclose that the circuit-switched connection between the first telephone the second telephone is further connected via a second line coupled to the first telephone; however, Mattaway in view of Curry does disclose that the call can be connected either over a packet-switched network or a circuit switched network where a gateway is used to make the connection over the circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16). Examiner notes that Mattaway assumes that every computer contains Internet phone capabilities. Wiener teaches, in a system for establishing a communication call, connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data (col. 5, line 3-col. 6, line 22 and col. 9, line 46-col. 11, line 8). It is implicit that this would require the call to be connected via a second line coupled to the first telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the call via a second line coupled to the first telephone in order to allow for the situation in which the calling party does not have Internet phone capabilities.

31. Claims 12, 20, 27, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) in further view of Wiener et al. (USPN 6,324,264) as applied to claims 11, 19, 26, and 34 above, and further in view of Mueller et al. (USPN 6,052,411).

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32. Regarding claim 12, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the first telephone is coupled to the second line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone to the second line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

33. Regarding claim 20, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the second telephone is coupled to the first line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the second telephone to the first line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

34. Regarding claims 27 and 35, Mattaway in view of Curry in further view of Wiener does not expressly disclose that the first telephone is coupled to the second line via a bandwidth splitter. Mueller teaches, in a system for providing high speed data communication over telephone lines, using a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies (col. 1, lines 10-50, esp. col. 1, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the first telephone

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to the second line via a bandwidth splitter in order to separate voice band frequencies from higher data band frequencies.

***Allowable Subject Matter***

35. Claims 5 and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art does not disclose or fairly suggest subsequent to attempting the call, returning a status message to the computer if the calling party does not answer the second telephone, said status message comprising the calling party telephone number, possible reasons for failure of the call, and remedies for the failure.

36. Claims 39 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose or fairly suggest subsequent to attempting the call, returning a status message to the computer if the calling party does not answer the second telephone, said status message comprising the calling party telephone number, possible reasons for failure of the call, and remedies for the failure.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

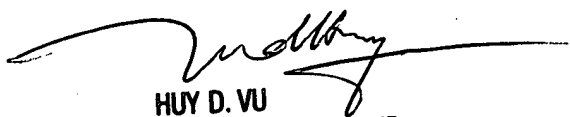
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman  
Examiner  
Art Unit 2665

*DR*

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600